

ARIZONA JUDICIAL COUNCIL

Request for Council Action

**Date Action
Requested:**

October 25, 2018

**Type of Action
Requested:**

☒ Formal Action/Request

☐ Information Only

☐ Other

Subject:

Approval of Minutes

FROM:

Lorraine Smith, Staff to the Arizona Judicial Council

DISCUSSION:

The minutes from the June 18, 2018, meeting of the Arizona Judicial Council are attached for your review.

RECOMMENDED COUNCIL ACTION:

Approve the minutes as written.

ARIZONA JUDICIAL COUNCIL

J.W. Marriott Starr Pass Resort
3800 W. Starr Pass Blvd.
Tucson, AZ 85745

June 18, 2018

Draft Meeting Minutes

Council Members Present:

Chief Justice Scott Bales
Judge Janet Barton
Ken Bennett
Judge Kyle Bryson
David Byers
Judge Louis F. Dominguez
Judge Peter Eckerstrom
Victor Flores
Judge Charles Gurtler
Clerk of Court Juan Pablo Guzman
Athia Hardt
Mike Hellon

Gary Krcmarik
Judge Dorothy Little
Judge David Mackey
R. Tony Penn
Steve Peru
Judge Antonio Riojas, Jr.
Judge Keith E. Russell
Judge Monica Stauffer
Judge Samuel Thumma
Jeff Willis proxy for Alex Vakula
Lisa Urias

Council Members Absent (excused):

George Weisz

Lea Márquez Peterson

Administrative Office of the Courts (AOC) Staff Present:

Mike Baumstark
Stewart Bruner
Catherine Clarich
Karl Heckart
Susan Hunt
Don Jacobson
Kevin Kluge

Jerry Landau
Heather Murphy
Marcus Reinkensmeyer
Lorraine Smith
Kathy Waters
David Withey

Presenters and Guests Present:

Vice Chief Justice Robert Brutinel
Theresa Cummings
Paul Cummings
Patricia Cummins
Frankie Jones

Ron Overholt
Cynthia Oxman
Wendy Petersen
Steve Pierce
Christie Renick

Commission on Technology

Mr. Karl Heckart, CIO for the AOC briefed the Council on FY 2018-19 automation projects, automaton priorities for FY19-20, and projects planned for FY19-20.

Mr. Kevin Kluge briefed the Council on the Judicial Collection Enhancement Fund (JCEF) revenues; ongoing commitments; comparison of revenue to expense; and the projected year-end fund balance, subject to action of the Legislature.

MOTION: To approve the proposed JCEF automation budget, as recommended by the Commission on Technology. The motion was seconded and passed. AJC 2018-11.

MOTION: To approve the JCEF probation budget, as recommended by the AOC Administrative Director and as appropriated by the Legislature. The motion was seconded and passed. AJC 2018-12.

Report on Legal Future

Ms. Frankie Jones, Chair of the Commission on Minorities spoke on a law student outreach program entitled "Legal Futures: Why Diversity and Inclusion Matter" that was held in April. She noted that the event was successful, and the Commission will host another student outreach event next year.

Arizona Code of Judicial Administration (ACJA) (taken out of order)

- ACJA §1-304: Discrimination and Harassment

Mr. David Withey, Chief Counsel for the AOC presented the proposed code section and outlined the provisions. The Chair suggested the following changes to paragraph A: start the paragraph with the words "Discrimination and harassment ...; change "is prohibited" to "are prohibited;" and reword the last 3 sentences to read "Such conduct is grounds for discipline of judicial branch employees, up to and including dismissal; grounds for discipline of judges by the Commission on Judicial Conduct; and grounds for termination of vendor contracts when the conduct is by a vendor employee."

- **MOTION: Approve ACJA § 1-304: Discrimination and Harassment with the suggested changes.** The motion was seconded and passed. AJC 2018-13.

Reentry and Probation Tails

Ms. Kathy Waters, Director of the Adult Probation Services Division of the AOC presented an update on the sentencing practice of reentry and probation tails.

Online Dispute Resolution (ODR) Update

Mr. Marcus Reinkensmeyer, Director of the Court Services Division of the AOC updated the Council members on ODR planning and considerations for courts. He explained the ODR process and Arizona's proof of concept. He noted there are pilot projects in the Superior Court in Yuma, Pinal, and Maricopa counties, as well as Scottsdale Municipal Court. Mr. Reinkensmeyer reported that they hope to implement this Fall and that he will come back to the Council with an update at that time.

Pima County Criminal Justice Improvements

Presiding Judge Kyle Bryson, Court Administrator Ron Overholt, Assistant County Administrator Wendy Petersen, and Manager of Pretrial Services Michelle Madrid briefed the Council members on criminal justice improvements taking place in Pima County.

Ms. Petersen provided a project overview and progress update on the Pima County Safety and Justice Challenge as well as the MacArthur Foundation grant and initiatives.

Call to the Public/Adjourn

The Chair made a call to the public.

Ms. Patty Machelor provided public comment. She stated the need to reduce costs for services in family court and solicit more community input.

Mr. Martin Lynch provided public comment and asked the courts to participate and seek real reforms.

Ms. Cynthia Oxman, a jail nurse in Pima County provided public comment regarding the need to address mental health and addiction issues in the jail. She spoke on family court and expressed her concerns with the effects on children and stated that the current system does not work in high-conflict custody cases.

The Chair presented a Certificate of Appreciation to outgoing Council members R. Tony Penn, Gary Krcmarik, and Alex Vakula and thanked them for their service on the Council.

The meeting adjourned at 3:52 p.m.